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7 *Attorneys for Plaintiff,*
8 *Sam Vacanti,*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ARIZONA

11 Sam Vacanti,

12
13 Plaintiff,

14 vs.

15 Experian Information Solutions, Inc.,
16 an Ohio corporation.

17 Defendant.
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Case No.:

COMPLAINT

JURY TRIAL DEMAND

1 NOW COMES THE PLAINTIFF, SAM VACANTI, BY AND THROUGH
2 COUNSEL, TRINETTE G. KENT, and for his Complaint against the Defendant,
3
4 pleads as follows:

5 **JURISDICTION**

- 6
7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d)
8 and 28 U.S.C. §§1331,1337.
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10 2. This is an action brought by a consumer for violation of the Fair Credit
11 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

12 **VENUE**

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14 3. The transactions and occurrences which give rise to this action occurred in the
15 City of Phoenix, Maricopa County, Arizona.
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17 4. Venue is proper in the District of Arizona, Phoenix Division.

18 **PARTIES**

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20 5. The Defendant to this lawsuit is Experian Information Solutions, Inc.
21 (“Experian”), which is an Ohio company that maintains a registered agent in
22 Maricopa County, Arizona.
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GENERAL ALLEGATIONS

6. On or about May 13, 2015, Plaintiff obtained his Experian credit file and noticed errors on several trade lines (“Errant Trade Lines”).
7. On or about May 21, 2015, Mr. Vacanti submitted a letter to Experian, disputing the Errant Trade Lines.
8. On or about June 9, 2015, Mr. Vacanti received a letter from Experian, stating that it received a suspicious request and determined that it was not sent by Mr. Vacanti. Experian stated that it would not be initiating any disputes based on the suspicious correspondence and that it would apply this same policy to any future suspicious requests that it received.
9. Experian refused to investigate Mr. Vacanti’s dispute, in violation of the Fair Credit Reporting Act.

COUNT I

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EXPERIAN**

10. Plaintiff realleges the above paragraphs as if recited verbatim.
11. Defendant Experian prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Mr. Vacanti as that term is defined in 15 USC 1681a.

1 12. Such reports contained information about Mr. Vacanti that was false,
2 misleading, and inaccurate.

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4 13. Experian negligently failed to maintain and/or follow reasonable procedures to
5 assure maximum possible accuracy of the information it reported to one or
6 more third parties pertaining to Mr. Vacanti, in violation of 15 USC 1681e(b).

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8 14. After receiving Mr. Vacanti's consumer dispute to the Errant Trade Lines,
9 Experian negligently failed to conduct a reasonable reinvestigation as required
10 by 15 U.S.C. 1681i.

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12 15. As a direct and proximate cause of Experian's negligent failure to perform its
13 duties under the FCRA, Mr. Vacanti has suffered actual damages, mental
14 anguish and suffering, humiliation, and embarrassment.

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16 16. Experian is liable to Mr. Vacanti by reason of its violation of the FCRA in an
17 amount to be determined by the trier of fact together with his reasonable attorneys'
18 fees pursuant to 15 USC 1681o.

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22 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
23 against Experian for actual damages, costs, interest, and attorneys' fees.

24 **COUNT II**

25 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**
26 **BY EXPERIAN**

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28 17. Plaintiff realleges the above paragraphs as if recited verbatim.

1 18. Defendant Experian prepared, compiled, issued, assembled, transferred,
2 published, and otherwise reproduced consumer reports regarding Mr. Vacanti as
3 that term is defined in 15 USC 1681a.
4

5 19. Such reports contained information about Mr. Vacanti that was false,
6 misleading, and inaccurate.
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8 20. Experian willfully failed to maintain and/or follow reasonable procedures to
9 assure maximum possible accuracy of the information that it reported to one or
10 more third parties pertaining to Mr. Vacanti, in violation of 15 USC 1681e(b).
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12 21. After receiving Mr. Vacanti's consumer dispute to the Errant Trade Lines,
13 Experian willfully failed to conduct a reasonable reinvestigation as required by
14 15 U.S.C. 1681i.
15

16 22. As a direct and proximate cause of Experian's willful failure to perform its
17 duties under the FCRA, Mr. Vacanti has suffered actual damages, mental
18 anguish and suffering, humiliation, and embarrassment.
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20 23. Experian is liable to Mr. Vacanti by reason of its violations of the FCRA in an
21 amount to be determined by the trier of fact together with his reasonable
22 attorneys' fees pursuant to 15 USC 1681n.
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1 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
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3 against Experian for the greater of statutory or actual damages, plus punitive damages,
4 along with costs, interest, and attorneys' fees.

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7 **JURY DEMAND**

8 Plaintiff hereby demands a trial by Jury.

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11 DATED: July 17, 2015

KENT LAW OFFICES

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13 By: /s/ Trinette G. Kent
14 Trinette G. Kent
15 Attorneys for Plaintiff,
16 Sam Vacanti
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